

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

The amendments to this patent application are as follows. Claims 4 and 5 have been canceled without prejudice, and the subject matter thereof has been incorporated into amended claim 1. Dependent claims 6-8 and 10-18 have been canceled. Claim 9 has been amended to reflect the amendments to claim 1.

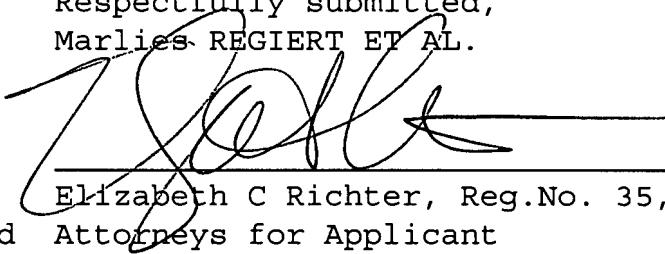
The remaining claims in the application are claims 1 and 9. Amended claim 1 is now a combination of original claims 1, 4 and 5. Amended claim 9 depends therefrom. The Examiner raised several rejections of claims 1-18. Since the subject matter of claims 1-4 and 6-18 have now been canceled, Applicant will not address the rejections based on these claims.

The Examiner rejected claim 5 under 35 USC §103 as being unpatentable over Bruzzese et al. in view of Schlenk et al. Applicant respectfully traverses. The Examiner concedes that Bruzzese does not disclose 3:1 or 4:1 complexes of alpha CD with

essential fatty acids, but nevertheless states that such a complex is not patentable because Schlenk discloses fatty acids with 17 and higher carbons producing 1:3 complexes with CD. The Examiner states that the combination of Schlenk with Bruzzese renders the present invention obvious because one of skill in the art would have been motivated to use alpha CD to form a complex with essential fatty acids, because the complexation increases solubility, and alpha CD forms higher order complexes with longer chain fatty acids. This is incorrect, because the aim of the present application is to achieve complexes with an increased stability, and not complexes with an increased solubility. Schlenk discloses saturated fatty acids, whereas the present invention claims essential fatty acids. Saturated fatty acids are per se stable, whereas essential fatty acids are not stable, as discussed in the present application. Therefore, the problem to be solved by 3:1 and 4:1 complexes as claimed in claims 1 and 9 is not applicable for the materials complexed by Schlenk. Therefore, a combination of Schlenk and Bruzzese would not lead the subject matter of amended claims 1 and 9.

Accordingly, Applicant submits that the claims are patentable over the cited references, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,
Marlies REGIERT ET AL.

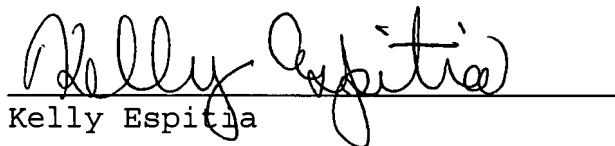


COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

Elizabeth C Richter, Reg.No. 35,103
Attorneys for Applicant

Enclosure: Copy of Petition for two-month Extension of Time
Check in the amount of \$450.00

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Kelly Espitia